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In re Application of :
Adae-Amoakoh et al. :
Application No. 09/827,014 :
Filed: April 5, 2001 :
For: Method and Structure for economical high :
density chip carrier :
ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.181, filed June 10, 2003, requesting the Group Director to exercise his authority to withdraw the finality of the final Office action mailed April 23, 2003.

BACKGROUND

A first Office action on the merits was issued on August 24, 2002, rejecting claims 1 through 9 and 20 as being unpatentable under 35 U.S.C. § 102 or 103 over a U.S. patent.

A response to the first Office action was timely filed and received in the Patent and Trademark Office (Office) on December 2, 2002. In this response, applicant substantially amendment claims 1-6, 9 and 20. Dependent claims 7 and 8 where effectively amended since their parent claim was amended.

A Final Rejection was issued on February 26, 2003, rejecting claims 1 through 9 and 20 as being unpatentable under 35 U.S.C. § 102 or 103 over a U.S. patent.

A request for reconsideration after the Final Rejection was filed on April 7, 2003.

In response to the request for reconsideration, a new Final Rejection was issued on April 23, 2003. This rejection relied on different art then the previous Final Rejection. The basis for

making this action Final was that the new grounds of rejection were necessitated by applicant amendment filed on December 2, 2003.

Petitioner seeks relief by filing a petition under 37 C.F.R. § 1.181, requesting that the finality of the final Office action of April 23, 2003, be withdrawn and that the proposed after final amendment filed on June 10, 2003 be entered.

REGULATIONS AND PRACTICE

M.P.E.P. § 706.07(a) states in part that:

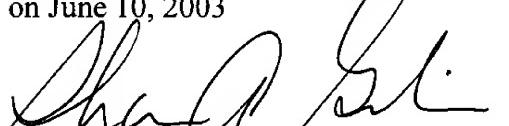
Under present practice, second or any subsequent action on the merits shall be made final, except where the examiner introduces a new ground of rejection not necessitated by amendment of the application by the applicant, whether or not the prior art is already of record.

CONCLUSION

In order to provide good customer service and further the prosecution of the application, the petition to withdraw the finality of the final Office action of April 23, 2003 is GRANTED;

The amendment filed on June 10, 2003, will be treated as a response to a non-final rejection and entered.

The application file is being forwarded to the Examiner for consideration of the amendment filed on June 10, 2003



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